

REMARKS

Claims 11-20 were previously pending in this patent application. Claims 11-20 stand rejected. Herein, Claims 11, 18, 19, and 20 have been amended. Accordingly, after this Amendment and Response, Claims 11-20 remain pending in this patent application. Further examination and reconsideration in view of the claims, remarks, and arguments set forth below is respectfully requested.

35 U.S.C. Section 102(e) Rejections

Claims 11 and 19 stand rejected under 35 U.S.C. 102(e) as being anticipated by Furuya, U.S. Patent No. 6,297,873 (hereafter Furuya). These rejections are respectfully traversed.

Independent Claim 11 recites:

A method for performing a partial calibration of an image capture system comprising a scanner and a host computer, said method comprising:

in response to a condition recognized by ***said image capture system***, retrieving operational data from a memory element, wherein said operational data is restricted to data from previous scans and calibrations;

for each operational sensor of said image capture system, ***comparing said retrieved operational data with data indicative of normal operation;***

determining whether any operational condition is not within a norm;

if any operational condition is not within said norm, determining whether said partial calibration is sufficient to correct said operational condition rather than performing a full calibration of said image capture system; and

if said partial calibration is sufficient to correct said operational condition, performing said partial calibration by issuing a control command to adjust said operational condition. (emphasis added)

It is respectfully asserted that Furuya does not disclose the present invention as recited in Independent Claim 11. In particular, the Office action (at page 2) cites several portions of Furuya to support the rejection that Claim 11 is anticipated by Furuya. On the contrary, Furuya is directed to calibrating a laser printer section (16) of a digital laboratory system (10) having an image capture system (14) rather than calibrating an image capture system. [Furuya; Figures 1 and 4; Col. 8, lines 20-67; Col. 9, lines 44-55]. Further, Furuya is directed to calibrating the laser printer section (16) by inputting a correction value based on an actual (or full) calibration procedure or an estimated calibration procedure rather than a partial calibration procedure or a full calibration procedure. [Furuya; Figures 1 and 4; Col. 9, lines 44-55].

Unlike Furuya, Independent Claim 11 is directed to a method for performing a partial calibration of an image capture system comprising a scanner and a host computer. The method includes, in response to a condition recognized by the image capture system, retrieving operational data from a memory element, wherein the operational data is restricted to data from previous scans and calibrations. Further, the method comprises, for each operational sensor of the image capture system, comparing the retrieved operational data with data indicative of normal operation and determining whether any operational condition is not within a norm. If any operational condition is not within the norm, the method includes determining whether the partial calibration is sufficient to

correct the operational condition rather than performing a full calibration of the image capture system. Lastly, the method includes, if the partial calibration is sufficient to correct the operational condition, performing the partial calibration by issuing a control command to adjust the operational condition. While Furuya is directed to calibrating a laser printer section of a digital laboratory system, Independent Claim 11 is directed to calibrating an image capture system. Further, while Furuya is directed to performing either an estimated calibration or an actual (or full) calibration, Independent Claim 11 is directed to performing a partial calibration instead of a full calibration. Therefore, it is respectfully submitted that Independent Claim 11 is not anticipated by Furuya and is in condition for allowance.

Dependent Claim 19 is dependent on allowable Independent Claim 11, which is allowable over Furuya. Hence, it is respectfully submitted that Dependent Claim 19 is patentable over Furuya for the reasons discussed above.

35 U.S.C. Section 103(a) Rejections

Claims 11, 15, and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Israeli et al., U.S. Patent No. 5,122,871 (hereafter Israeli) in view of Blitz et al., U.S. Patent No. 5,170,267 (hereafter Blitz). These rejections are respectfully traversed.

It is respectfully asserted that the combination of Israeli and Blitz does not disclose the present invention as recited in Independent Claim 11. In particular, the Office action (at page 3) cites several portions of Israeli and Blitz to support the rejection that Claim 11 is unpatentable over the combination of Israeli and Blitz. On the contrary, the combination of Israeli and Blitz is directed to calibrating the output from a CCD array on each scan rather than calibrating an image capture system in response to a condition recognized by the image capture system. [Israeli; Figure 5; Col. 13, lines 32-61; Col. 9, lines 44-55]. Further, the combination of Israeli and Blitz is directed to a calibration procedure that requires obtaining actual measurements and then comparing the actual measurements to reference measurements rather than comparing stored measurements to the reference measurements. [Israeli; Figure 5; Col. 13, lines 42-61; Col. 9, lines 44-55]. Further, the citations (Col. 13, lines 46-56 and 55-61) and (Col. 13, lines 44-49 and 53-59) at Page 3 of the Office Action, state that the host computer measures offset values of each cell in the CCD array and calculates a correction factor for that cell based on the average responses of all the cells. However, these citations do not disclose retrieving operational data from a memory element, wherein the operational data is restricted to data from previous scans and calibrations. Further, these citations do not disclose, for each operational sensor of the image capture system, comparing the retrieved operational data with data indicative of normal operation. Finally, the

combination of Israeli and Blitz fails to disclose performing a partial calibration instead of a full calibration.

Unlike the combination of Israeli and Blitz, Independent Claim 11 is directed to a method for performing a partial calibration of an image capture system comprising a scanner and a host computer. The method includes, in response to a condition recognized by the image capture system, retrieving operational data from a memory element, wherein the operational data is restricted to data from previous scans and calibrations. Further, the method comprises, for each operational sensor of the image capture system, comparing the retrieved operational data with data indicative of normal operation and determining whether any operational condition is not within a norm. If any operational condition is not within the norm, the method includes determining whether the partial calibration is sufficient to correct the operational condition rather than performing a full calibration of the image capture system. Lastly, the method includes, if the partial calibration is sufficient to correct the operational condition, performing the partial calibration by issuing a control command to adjust the operational condition. While the combination of Israeli and Blitz is directed to calibrating the output from a CCD array on each scan, Independent Claim 11 is directed to calibrating an image capture system in response to a condition recognized by the image capture system. Further, while the combination of Israeli and Blitz is directed to obtaining actual measurements and

then comparing the actual measurements to reference measurements,
Independent Claim 11 is directed to retrieving operational data from a memory
element and comparing the retrieved operational data with data indicative of
normal operation. Therefore, it is respectfully submitted that Independent Claim
11 is patentable over the combination of Israeli and Blitz and is in condition for
allowance.

Dependent Claims 15 and 16 are dependent on allowable Independent
Claim 11, which is allowable over the combination of Israeli and Blitz. Hence, it is
respectfully submitted that Dependent Claims 15 and 16 are patentable over the
combination of Israeli and Blitz for the reasons discussed above.

Claims 12 and 14 stand rejected under 35 U.S.C. 103(a) as being
unpatentable over Israeli et al., U.S. Patent No. 5,122,871 (hereafter Israeli) in
view of Blitz et al., U.S. Patent No. 5,170,267 (hereafter Blitz), and further in view
of Selby et al., U.S. Patent No. 6,038,038 (hereafter Selby). These rejections are
respectfully traversed.

Dependent Claims 12 and 14 are dependent on allowable Independent
Claim 11, which is allowable over the combination of Israeli and Blitz. Moreover,
Selby does not disclose calibrating an image capture system in response to a

condition recognized by the image capture system, as recited in Independent Claim 11. Further, Selby does not disclose to retrieving operational data from a memory element and comparing the retrieved operational data with data indicative of normal operation, as recited in Independent Claim 11. Also, Selby fails to disclose performing a partial calibration instead of a full calibration, as recited in Independent Claim 11. Hence, it is respectfully submitted that Dependent Claims 12 and 14 are patentable over the combination of Israeli, Blitz, and Selby for the reasons discussed above.

Claims 13 and 18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Israeli et al., U.S. Patent No. 5,122,871 (hereafter Israeli) in view of Blitz et al., U.S. Patent No. 5,170,267 (hereafter Blitz), and further in view of Tsai, U.S. Patent No. 6,529,292 (hereafter Tsai). These rejections are respectfully traversed.

Dependent Claims 13 and 18 are dependent on allowable Independent Claim 11, which is allowable over the combination of Israeli and Blitz. Moreover, Tsai does not disclose calibrating an image capture system in response to a condition recognized by the image capture system, as recited in Independent Claim 11. Further, Tsai does not disclose to retrieving operational data from a memory element and comparing the retrieved operational data with data

indicative of normal operation, as recited in Independent Claim 11. Also, Tsai fails to disclose performing a partial calibration instead of a full calibration, as recited in Independent Claim 11. Hence, it is respectfully submitted that Dependent Claims 13 and 18 are patentable over the combination of Israeli, Blitz, and Tsai for the reasons discussed above.

Claim 17 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Israeli et al., U.S. Patent No. 5,122,871 (hereafter Israeli) in view of Blitz et al., U.S. Patent No. 5,170,267 (hereafter Blitz), and further in view of McVicar, U.S. Patent No. 5,864,410 (hereafter McVicar). These rejections are respectfully traversed.

Dependent Claim 17 is dependent on allowable Independent Claim 11, which is allowable over the combination of Israeli and Blitz. Moreover, McVicar does not disclose calibrating an image capture system in response to a condition recognized by the image capture system, as recited in Independent Claim 11. Further, McVicar does not disclose to retrieving operational data from a memory element and comparing the retrieved operational data with data indicative of normal operation, as recited in Independent Claim 11. Also, McVicar fails to disclose performing a partial calibration instead of a full calibration, as recited in Independent Claim 11. Hence, it is respectfully submitted that Dependent Claim

17 is patentable over the combination of Israeli, Blitz, and McVicar for the reasons discussed above.

Claim 19 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Israeli et al., U.S. Patent No. 5,122,871 (hereafter Israeli) in view of Blitz et al., U.S. Patent No. 5,170,267 (hereafter Blitz), and further in view of Gusmano et al., U.S. Patent No. 5,519,441 (hereafter Gusmano). These rejections are respectfully traversed.

Dependent Claim 19 is dependent on allowable Independent Claim 11, which is allowable over the combination of Israeli and Blitz. Moreover, Gusmano does not disclose calibrating an image capture system in response to a condition recognized by the image capture system, as recited in Independent Claim 11. Further, Gusmano does not disclose to retrieving operational data from a memory element and comparing the retrieved operational data with data indicative of normal operation, as recited in Independent Claim 11. Also, Gusmano fails to disclose performing a partial calibration instead of a full calibration, as recited in Independent Claim 11. Hence, it is respectfully submitted that Dependent Claim 19 is patentable over the combination of Israeli, Blitz, and Gusmano for the reasons discussed above.

Claim 20 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Israeli et al., U.S. Patent No. 5,122,871 (hereafter Israeli) in view of Blitz et al., U.S. Patent No. 5,170,267 (hereafter Blitz), and further in view of Smyth, U.S. Patent No. 4,980,759 (hereafter Smyth). These rejections are respectfully traversed.

Dependent Claim 20 is dependent on allowable Independent Claim 11, which is allowable over the combination of Israeli and Blitz. Moreover, Smyth does not disclose calibrating an image capture system in response to a condition recognized by the image capture system, as recited in Independent Claim 11. Further, Smyth does not disclose to retrieving operational data from a memory element and comparing the retrieved operational data with data indicative of normal operation, as recited in Independent Claim 11. Also, Smyth fails to disclose performing a partial calibration instead of a full calibration, as recited in Independent Claim 11. Hence, it is respectfully submitted that Dependent Claim 20 is patentable over the combination of Israeli, Blitz, and Smyth for the reasons discussed above.

CONCLUSION

It is respectfully submitted that the above arguments and remarks overcome all rejections. For at least the above-presented reasons, it is respectfully submitted that all remaining claims (Claims 11-20) are now in condition for allowance.

The Examiner is urged to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Please charge any additional fees or apply any credits to our PTO deposit account number: 23-0085.

Respectfully submitted,

WAGNER, MURABITO & HAO, LLP

Dated: 11/9/2004

Jose S. Garcia

Jose S. Garcia
Registration No. 43,628

Two North Market Street, Third Floor
San Jose, CA 95113
(408) 938-9060